UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

BRIAN PERSINA AND JOAN BRAEGES,

Civil Action No. 11-CV-858

Plaintiff,

v.

H & P CAPITAL, INC.,

Defendant.

## **STIPULATION OF DISCONTINUANCE**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all parties to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee, and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued with prejudice.

DATED: November 25, 2013 DATED: November 25, 2013

/s/ Seth J. Andrews\_

Seth J. Andrews, Esq. Law Offices of Kenneth Hiller, PLLC Attorneys for Plaintiff 6000 North Bailey Avenue, Suite 1A Amherst, New York 14226

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/s/ David G. Peltan\_

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